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NEW YORK TIMES
21 FEBRUARY 1980

A SOLICITATION CURB AT HOMES IS VOIDED

Justices Upset Ordinance Barring
Fund Appeals Without Proof
That Charities Get 75%

Special to The New York Times

WASHINGTON, Feb. 20 — The Supreme Court declared unconstitutional today a Chicago suburb's local ordinance barring door-to-door solicitations by charities that cannot prove that at least 75 percent of the money they collect goes directly for charitable purposes.

The Court ruled, 8 to 1, that the ordinance, enacted in 1974 by the Village of Schaumburg, Ill., was an unconstitutionally broad restriction on the free-speech rights of the charities.

Writing for the majority, Associate Justice Byron R. White said, "Charitable appeals for funds, on the street or door to door, involve a variety of speech interests — communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes — that are within the protection of the First Amendment."

Therefore, he said, a government can constitutionally regulate such activity only by narrowly drawn regulations that serve a "sufficiently strong, subordinating interest" that the local government is "entitled to protect."

Village Argument Rejected

The Schaumburg regulation, Justice White concluded, was neither narrowly drawn nor adequately justified by the village's argument that it needed to protect its citizens from fraudulent or intrusive solicitation.

Justice White said the village could have dealt directly with potential fraud by requiring charities to disclose their finances. Referring to the village's other justifications, he said, "There is no indication that organizations devoting more than one-quarter of their funds to salaries and administrative expenses are any more likely to employ solicitors who would be a threat to public safety than are other charitable organizations. Householders are equally disturbed by solicitation on behalf of organizations satisfying the 75 percent requirement as they are by solicitation on behalf of other organizations."

The case, *Village of Schaumburg v. Citizens for a Better Environment*, No. 78-1335, was brought by an environmental group that could not meet the 75 percent requirement. Both the Federal District Court and the Court of Appeals for the Seventh Circuit, in Chicago, agreed that the ordinance violated the First Amendment.

Supporting Briefs Filled

The case attracted attention from many of the nation's largest charities, including the American Red Cross and the American Heart Association, as well as from less well established groups that argued in briefs as friends of the court that lesser-known or controversial organizations frequently have to spend more than 25 percent of their receipts on fund raising. A half dozen briefs were filed urging the Justices to affirm the lower courts.

According to some of the briefs, ordinances such as Schaumburg's are fairly widespread, but no precise figures were given.

The only member of the Court to dissent from today's ruling was Associate Justice William H. Rehnquist, who said the majority opinion "relegates any local government interested in regulating door-to-door activities to the role of Sisyphus." He said the Court gave "absolutely no guidance" on how to identify a legitimate charity.

Suits Against Federal Officials

In other action today, the Court ruled that damage suits brought against Federal officials in their individual capacities can be filed only in the Federal district where the official lives or where the alleged damage occurred. In a single opinion covering two related cases, *Stafford v. Briggs*, No. 77-1548, and *Colby v. Driver*, No. 78-303, the Court reversed Federal appeals court rulings that had allowed such suits to be brought in any district where any one of a group of Federal dependants lived.

A 1962 Federal law, the Mandamus and Venue Act, allows a "civil action" against a Federal official to be brought "in any judicial district in which a defendant in the action resides." The opinion by Chief Justice Warren E. Burger held that the law does not apply to suits "for money damages which must be paid out of the pocket of the private individual who happens to be — or formerly was — employed by the Federal Government."

The Colby case is a lawsuit against 25 current or former top-ranking officials of the Central Intelligence Agency brought by individuals whose mail to and from the Soviet Union was intercepted and opened without warrants. The Stafford case is a lawsuit by members of the Vietnam Veterans Against the War who charged former Government prosecutors with violating their constitutional rights during a trial in Gainesville, Fla.

Today's opinion does not affect the outcome of the suits, which can now be transferred to the appropriate courts.

Associate Justices Rehnquist, Harry A. Blackmun, Lewis F. Powell Jr. and John Paul Stevens joined the Chief Justice. Associate Justices Potter Stewart and William H. Brennan Jr. filed a dissent. Justice White and Associate Justice Thurgood Marshall did not participate in the case.

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FOR PUBLIC AFFAIRS STAFF

PROGRAM The Today Show

STATION WRC TV
NBC Network

DATE February 20, 1980 7:00 AM

CITY Washington, DC

SUBJECT The CIA and New Laws to Keep Secrets

JANE PAULEY: The Supreme Court ruled yesterday that Frank Snepp, a former CIA employee, violated his contract with the government when he published a book without CIA permission, and the court ordered Snepp to turn over all his profits from the book. Coincidentally, Senate hearings on new rules for unleashing the CIA open tomorrow.

Bob Abernethy has a report.

BOB ABERNETHY: What the CIA and its friends want most, and quickly, are new laws they think will make it easier to keep secrets. With the shocks of the '70s, the disclosure of assassination plots and poison dart guns, and so on, Congress required that anytime the President approved a secret operation, covert action in some foreign country, the CIA had to notify what amounted to eight congressional committees.

MAN: I, as an intelligence officer charged with putting people into a dangerous situation, where they may get captured or killed, I'm not about to do it if two or three hundred, or four hundred people over on the Hill know.

ABERNETHY: Even the CIA's critics agree that fewer committees should be told. But they want those committees told before a covert operation, not after.

MAN: The committees, except in the most unusual and extraordinary cases, should be notified in advance, so that they have a chance to talk the President out of it, they have a chance to try to persuade the President that these actions are not appropriate and don't fit the standards that have been laid out. If you wait till it's started, then it's too late to try to turn

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THE WASHINGTON POST
19 February 1980

Down on 'The Farm': Learning How to Spy for the CIA

By Ted Gup

Washington Post Staff Writer

WILLIAMSBURG — The courses have leaned to the exotic:

Code work, lock picking (called "Picks and Locks"), opening packages without detection ("Flaps and Seals"), how to evade hostile pursuers ("Defensive Driving") and arranging pick-up of clandestine materials ("Drops").

For nearly 25 years, neophyte spies have left Washington to attend what some call Spy U., a training base here operated by the Central Intelligence Agency to prepare its agents for real-life cloak-and-dagger work overseas.

The heavily forested, 10,000-acre site is secretive, but hardly remote. Known as Camp Peary to outsiders and "The Farm" to CIA insiders, the base is a \$37 million complex nestled in deer-filled woods and tidal recesses within

minutes of two of Virginia's biggest tourist attractions—Colonial Williamsburg and Busch Gardens.

But if few of the area's one million annual visitors know Camp Peary exists, even fewer local residents—used to restricted areas at the dozen-odd military bases in Tidewater—show much curiosity about its role.

The CIA prefers it that way.

"You can't conduct that kind of training in the middle of G.W.," says William Colby, the former CIA director who visited the facility and lectured there during his years as the agency's chief.

Chain-link fence and stern-gazed military sentries keep away unwelcome outsiders, although local repairmen occasionally are permitted on the base to perform maintenance work. When a local softball team sponsored

by E.E. Williams Exxon in Williamsburg played Camp Peary recently, the squad was met at the gate and accompanied to a playing field. The visitors won both games of a doubleheader, then were promptly escorted back off the base.

Like a longtime neighbor who keeps to himself, "Camp Peary" has gone about its quiet business since the days when white-haired, pipe-smoking Allen Dulles, then the CIA's director, established it to provide paramilitary training agency operatives.

Before that, it was a prisoner-of-war camp for captured German soldiers, and before that a training base for Naval construction battalions (the Seabees). Ellis Bingley remembers when it was just a sleepy little Tidewater community known as Magruder.

Bingley lived in a house there from 1921 to 1943. In 1976, he was permitted to visit his old house under military escort, but was not allowed to enter.

It's a big secret. Hasn't much leaked out about it. News is right scarce, says Bingley.

J. Patrick McGarvey, in a 1972 book called "The CIA: The Myth and the Madness," described an ornate mock border scene on The Farm, "replete with high barbed wire fences, plowed strips, watchtowers, roving patrols and searchlights." The recruits' mission was "to case the place" undetected.

Aerial photographs taken by local authorities for tax purposes and available to the public, show widely scattered clusters of barracks and guest houses, an enormous warehouse, a gymnasium, target ranges and a long, private air strip with a huge "R" for "Restricted" painted on it.

But since the mid-1970s, paramilitary activities at the Farm have been on the decline. Today the basic training courses continue, but there are also top-secret conferences and "think tank" sessions there.

There are occasional signs of humor. A movie shown recently at the base theater was "The In-Laws," a spoof about a CIA agent's adventures in a fictitious Latin American country. One alumnus of the Farm, who asked not to be named, talked of encountering new recruits wearing trench coats in the middle of summer because they thought it would fit the CIA image.

Whatever the base's business, many civilians in the Newport News-Williamsburg area, which is thickly populated by retired military officers, refuse even to acknowledge that Camp Peary is run by the CIA.

"If it is, it is," says Williamsburg city manager Frank Force. "We try to be good neighbors. We're quite patriotic here."

Ostensibly, Camp Peary is a Defense Department—not CIA—installation known as the Armed Forces Experimental Training Activity. It is carried on the Navy's inventory of bases, but the Navy refers calls to the Defense Department. Defense says only that it is "top secret."

For the insatiably curious, Camp Peary has a public affairs officer, John Turnicky, to handle outsiders' inquiries. Contacted recently, Turnicky said there was nothing he could reveal.

"My job's very enjoyable. It's very simple. Goodbye," he said politely, hanging up the phone.

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THE WASHINGTON STAR (GREEN LINE)
5 February 1980

Turner 'Very Optimistic' CIA's Future

But Critics Despair That Spy Agency Can't Do Good Job

Second of two articles

By Henry S. Bradsher
Washington Star Staff Writer

Looking casual in a navy blue cardigan but speaking intensely, Stansfield Turner gazed out the glass wall of his office, atop the CIA headquarters at Langley, over the bare dusky woods toward the distant lights of Washington and exuded confidence about his organization.

"I'm just very optimistic these days," Turner said. "I've been very impressed by the quality of our human intelligence activities," the CIA director said. And U.S. technical intelligence is superlative, he added.

In other government offices in the city, most of them looking across concrete courtyards at other offices instead of having spacious views, in the private offices of people who have left the government, in small restaurants, in telephone calls from coast to coast, others talk about the CIA, too.

Some, like former CIA Director William E. Colby and former Deputy Director Enno Henry Knoche, talk for quotation about things like restrictions on the agency. But most prefer to discuss the agency's problems from the protection of anonymity.

Turner understandably is angered by this, especially on the most emotional aspect of his three-year tenure at Langley, the forced retirement of people from the clandestine services. He argues that he rejuvenated an aging agency.

"The next time someone tells you," he said, "that Turner is the stupid bastard who cut the size of the agency out here, look at the color of his hair. . . . This is a young man's game, and we are better equipped today than we were three years ago" for clandestine operations.

The CIA is composed of three main branches. The clandestine or operations branch handles spying and covert operations, like intervening secretly in other countries' affairs or organizing guerrilla movements. Another branch supervises technical intelligence, including reconnaissance satellite photography and communications intercepts. An analytical branch pulls information together for government policymakers.

The controversy that has marked Turner's almost three years at the agency focuses on the operations branch. There is also widespread but less publicized distress around Washington about analysis.

In both cases, Turner inherited problems. His critics say he exacerbated them; his supporters contend that he has done much to clear them up.

Once Was Twice as Large

The Vietnam war and the CIA's "secret army" in Laos, added to worldwide spying, pushed the number of agency operatives to 8,500 in the late 1960s — roughly double its present size. As the Nixon administration began to reduce U.S. commitments in Indochina, personnel had to be reduced by attrition, transfers and other means.

During his brief tenure as CIA director, James R. Schlesinger speeded up a cutback. Colby, his successor, continued the program, and so did George Bush during his year as director. Most sources agree that they were handled sensibly.

Then President Carter took Turner from his navy admiral's command and sent him to Langley. He arrived with what the old CIA hands considered to be a skeptical, even hostile, attitude.

This set a chilly tone to his take-over, despite his own explanations that he simply wanted to bring better management to a sometimes uncoordinated operation. His suspicions of the need for drastic changes were quickly reinforced by the resignation of John Stockwell, a 40-year-old agent in the unsuccessful CIA effort in Angola.

sent out the first 212 pink slips on Oct. 31, 1977.

Although smaller than previous cuts, this one was handled differently and hit harder at lifetime professionals in the spying and paramilitary trades.

Says Cuts Helped Agency

"The cuts in personnel that everyone still complains to me about have strengthened the agency's covert action capabilities," Turner said.

"You don't run a good, strong paramilitary or covert action program with a bunch of 55-year-olds," he said. "What I've done is cut out high-grade superstructure . . . and doubled the input into the clandestine services . . . so that we have a group of young tigers, and there's enough accumulated experience and expertise around to guide them."

This is strongly challenged by people in a position to know.

"Whatever Turner says, they can't put on a show," says a Pentagon official who is very familiar with the CIA's present operational capabilities. "We know that over in this building."

Other sources spell this out in more detail. One says the CIA's corps of paramilitary specialists who could help organize, for instance, a more effective Afghan resistance to Soviet control has declined from about 200 to 80, and many of the 80 lack the broad experience needed for effectiveness.

But Colby comments that, if the people in an operational area feel CIA help is vital, they will find ways to speed it up.

The worst part of Turner's changes, numerous present and retired officials say, is what they did to morale. While he recognizes that morale suffered, but contends it is now coming back up, others say that it is at best bumping along side-

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PHILADELPHIA INQUIRER
1 FEBRUARY 1980

Exposure of CIA agents is assailed

By Robert Furlow
Associated Press

WASHINGTON — In a polite dispute over dangerous secrets, former CIA director William Colby strongly disagreed yesterday with magazine editors who detail CIA operations and identify agents.

Colby compared exposure of agents on risky undercover assignments to soldiers "being shot in the back by fellow Americans."

William H. Schaap, co-editor of the Covert Action Information Bulletin, said that magazine's naming of names has brought physical harm to no agent. He said the editors' motive is only "exposing what we view as the abuses" by the CIA.

Both Schaap and Rep. Romano Mazzoli (D., Ky.), chairman of a House Intelligence subcommittee that heard the testimony, characterized it as "profound disagreement" but no harsh words were exchanged. The panel is considering various bills that call for the imprisonment or fining of people who publicly identify U.S. foreign agents or their secret informants.

There is wide support for the bills' provisions to penalize disclosure by anyone who uses his formal access to classified documents to identify an agent.

However, the Justice Department opposes another provision of the version that the full House Intelligence Committee backs, saying it might violate constitutional guarantees of free speech through its penalties for private citizens using public information to name a CIA agent.

Asked by Mazzoli whether supporters of the bills "are overplaying"

possible dangers in identification of agents, Colby replied, "I don't think so."

Whether or not past identifications actually have led to physical harm, he said, "people are scared... people don't want to go to a dangerous assignment where there are known terrorists out there and then have their names revealed."

Schaap said he knew of no instance in which publication of an agent's name had led to physical harm, and he added that if such harm had occurred, "the CIA would have immediately called a press conference and we would know about it."

Colby did not directly assert that any agent has been harmed as a clear result of public identification, but he cited various publications' identification of Richard Welch, former CIA station chief in Athens, as one cause

leading to the slaying of Welch in 1975.

Schaap said he and others with his publication have no objection to straight intelligence-gathering by the CIA or other intelligence agencies.

But he added, "We believe that the covert manipulation for which the CIA has become notorious — undercover officers and agents corrupting and bribing officials, buying elections — all the way to bombings and assassinations — that this manipulation does not strengthen democracy here in the United States but in fact weakens it."

In that light, he said, his magazine concentrates on exposing what we view as the abuses of the Western intelligence agencies, primarily the CIA... and exposing the people responsible for those abuses."

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THE WASHINGTON POST
1 February 1980

Dirty CIA Tricks Go On, Publisher Tells Congress

By George Lardner Jr.
Washington Post Staff Writer

The publisher of a Washington-based magazine that has exposed the names of hundreds of CIA officers working abroad defended the practice yesterday on grounds that the CIA is still carrying out "dirty tricks" in foreign countries.

William H. Schaap, publisher of the Covert Action Information Bulletin, protested that legislation to outlaw the identification of U.S. intelligence operatives would make it virtually impossible to expose illegal or improper activities conducted in the name of national security.

Testifying before the House Intelligence Committee, Schaap acknowledged that his publication's persistent attacks on the CIA might not be popular, but he contended that they are sincerely based and ought to be constitutionally protected.

"Patriotism is to some extent in the eyes of the beholder," he said.

Schaap testified, "Our aim is to stop what they are doing today. I'm sure there are politicians being paid off by CIA representatives right now. I'm sure there are elections being bought right now by our CIA."

The CIA is seeking a new law that would make it a crime to disclose, directly or indirectly, the names of its officers, agents or sources abroad, even if the information is obtained from public sources.

Former CIA director William E. Colby, who also testified yesterday, urged passage of the bill as "a major step forward for the protection of individuals who serve our intelligence community." He said American intelligence officers abroad have become increasingly vulnerable in recent years, partly as a result of the transparency of their diplomatic status or "cover" and partly as a result of "unauthorized revelations" by former colleagues and publications seeking to destroy the agency.

The CIA contends the bill is vitally needed to maintain its effectiveness, but other witnesses, including a Justice Department spokesman, said at an opening hearing Wednesday that the bill seems unconstitutional because it would lay down criminal penalties for the use of unclassified as well as classified information.

In his testimony, Schaap denounced as a "myth" the notion that naming the names of CIA operatives—a regular feature of his and similar publications—subjects them to the danger of physical harm or death.

"Of the more than 1,000 CIA people who have been named over the past five or six years by many people and many publications in many countries, not one has been physically harmed on account of it," he declared.

Colby contended that publication of the name of Richard Welch, CIA station chief in Athens, was a factor in Welch's assassination in December 1975, but he allowed that there were other reasons, such as the weak "cover" Welch had as an American diplomat.

Schaap, however, asserted, and said the CIA knew, that Welch "was murdered by people who were originally stalking his predecessor and had nothing to do with his having been named many times"—in publications as far back as 1968—as a CIA officer in both South America and Europe.

The publisher also declared that the magazine's identification of CIA operatives comes not from inside informants but from dozens of public sources and research as uncomplicated as a telephone call to, say, a U.S. embassy.

The CIA bill is part of a concerted effort, partly White House sponsored, to unleash the agency from the restraints of congressional investigations and public criticisms that have kept it in the spotlight since the mid-1970s.

Civil liberties groups are preparing a concerted campaign to preserve these controls. At a press briefing yesterday, two American Civil Liberties Union spokesmen, Morton Halperin and Jerry Berman, questioned President Carter's assertion, in his State of the Union message last week, that "unwarranted restraints" have been placed on "our ability to collect intelligence."

"Congress has not passed a single restriction on intelligence gathering," Halperin said. He also challenged the administration's plans to limit its reporting of covert operations, saying the new law being sought here would simply "codify" the fact that it is not reporting all such activities now.